



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/113,094	07/10/1998	KIA SILVERBROOK	IR14US	7673

7590 03/04/2002

KIA SILVERBROOK  
SILVERBROOK RESEARCH PTY LTD  
393 DARLING ST  
2041 BALMAIN NSW, 2041  
AUSTRALIA

EXAMINER

YE, LIN

ART UNIT	PAPER NUMBER
----------	--------------

2612

DATE MAILED: 03/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

## Office Action Summary

Application No.

09/113,094

Applicant(s)

SILVERBROOK, KIA

Examiner

Lin Ye

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 2612

## DETAILED ACTION

### *Specification*

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "**means**" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C.

Art Unit: 2612

122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Vogel U.S. Patent 5,668,596.

Referring to claim 1, the Vogel reference discloses in Figures 3, 7 and 8, a digital camera system includes an image sensor device (20) for sensing an image, a digital processor (12) for processing sensed image, and a printer (18) for printing out sensed image. (See Col. 5, lines 1-45). The digital processor (12) has color correction matrix (40) for color correcting a sensed image to be printed out by printer (18). The camera system captures an image of the color chart (72) to determine color characteristics of a first sensed image as shown in Figure 7 (See Col. 7, lines 51-52). It utilizes the image sensor device (20) to sense a second image, in rapid succession to first image (See Col. 7, lines 60-67 and Col. 8, lines 1-5). It also applies color correction methods to the image based on the determined color characteristics of first sensed image and prints out the image (See Col 5, lines 2-45).

Referring to claim 3, normalization process (78) exams the intensity characteristics of the first image as shown in Figure 7 (See Col 7, lines 45-52).

Referring to claim 4, color transformation (79) determines a maximum and minimum intensity of first image and utilizes intensities to rescale the intensities of next image as shown in Figure 7 (See Col 7, lines 53-59).

Art Unit: 2612

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vogel U.S. Patent 5,668,596.

Referring to claim 2, the Vogel reference discloses in Figures 3, 7 and 8, a digital camera system includes an image sensor device (20) for sensing an image, a digital processor (12) for processing sensed image, and a printer (18) for printing out sensed image. (See Col. 5, lines 1-45). The digital processor (12) has color correction matrix (40) for color correcting a sensed image to be printed out by printer (18). The camera system captures an image of the color chart (72) to determine color characteristics of a first sensed image as shown in Figure 7 (See Col. 7, lines 51-52). It utilizes the image sensor device (20) to sense a second image, in rapid succession to first image (See Col. 7, lines 60-67 and Col. 8, lines 1-5). It also applies color correction methods to the second image based on the determined color characteristics of first sensed image and prints out the image (See Col 5, lines 2-45).

Vogel does not state that exactly time for the image sensor to sense a second image from first image. It was know in the art digital image sensor sense next image within on second from the previous sensed image. For that reason, it would have been obvious to see Vogel's camera system has this kind of ability.

### *Conclusion*

Art Unit: 2612

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Birgmeir U.S 5,216,521 discloses a method to reproduce the photographic originals with scattered light correction.
- b. McIntyre et al. U.S 5,894,326 discloses the camera includes an optical printer being adapted to be optically coupled to the display.
- c. Suzuki U.S 5,847,836 discloses a print-built-in image-sensing apparatus including a camera which performs image sensing with film exposure, and a printer which prints an image sensed by the camera.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lin Ye** whose telephone number is **(703) 305-3250**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R Garber can be reached on (703) 305-4929.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, DC. 20231


Or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA., Sixth Floor (Receptionist).

Art Unit: 2612

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



WENDY R. GARBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

Lin Ye  
February 25, 2002